



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

April 13, 2018

The Honorable Michele Reagan
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2nd Regular Session, which I signed on April 12, 2018:

- HB 2081 insurance adjusters; application of laws (Livingston)
- HB 2083 insurance contracts; construction (Livingston)
- HB 2086 schools; diabetes management policies; pharmacists (Carter)
- HB 2188 prisoners; special services fund; uses (Boyer)
- HB 2192 military family relief fund; extension (Carter)
- HB 2211 bankruptcy exemption; personal property (Thorpe)
- HB 2228 AHCCCS; annual waiver; applicability (Cook)
- HB 2246 jail; prohibited items; drugs (Farnsworth, E.)
- HB 2314 misdemeanor sentence; authorized disposition (Farnsworth, E.)
- HB 2315 intensive probation; employment wages; monitoring (Farnsworth, E.)
- HB 2321 auricular acupuncturists; fingerprinting (Carter)
- HB 2328 concealed weapons permit; electronic reports (Farnsworth, E.)
- HB 2601 securities; crowdfunding; virtual coin offerings (Weninger)
- HB 2602 running nodes; blockchain; regulation prohibition (Weninger)
- SB 1034 committee of reference; standing committee (Kavanagh)
- SB 1054 ASRS; nonparticipating employers (Fann)
- SB 1090 Beirut barracks bombing remembrance day (Borrelli)
- SB 1100 workers' compensation; claim settlement (Fann)
- SB 1113 zoning violations; notice; service (Fann)
- SB 1150 application fees; financial institutions department (Farnsworth, D.)

SB 1185 appropriations; named claimants (Kavanagh)
SB 1260 law enforcement officers; interviews; rights (Borrelli)
SB 1379 flood protection districts; divisions; electors (Pratt)
SB 1385 tax appeals; administrative hearings; confidentiality (Farnsworth, D.)
SB 1394 DHS; reporting; abortions (Barto)
SB 1431 memorial; veterans; suicide (Barto)
SB 1442 personal finance (Yee)
SB 1447 juror questionnaire; investigations (Griffin)
SB 1451 patient referral inducements; prohibited compensation (Barto)
SB 1455 civil traffic violations; procedures; penalties (Petersen)
SB 1493 environmental quality; dredge, fill permits (Griffin)
SB 1503 delinquent restitution; procedure (Smith)

Sincerely,

A handwritten signature in black ink that reads "Douglas A. Ducey". The signature is written in a cursive, flowing style.

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

House Engrossed
FILED

MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 206
HOUSE BILL 2328

AN ACT

AMENDING SECTION 13-3112, ARIZONA REVISED STATUTES; RELATING TO CONCEALED WEAPONS PERMITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3112, Arizona Revised Statutes, is amended to
3 read:

4 13-3112. Concealed weapons; qualification; application; permit
5 to carry; civil penalty; report; applicability

6 A. The department of public safety shall issue a permit to carry a
7 concealed weapon to a person who is qualified under this section. The
8 person shall carry the permit at all times when the person is in actual
9 possession of the concealed weapon and is required by section 4-229 or
10 4-244 to carry the permit. If the person is in actual possession of the
11 concealed weapon and is required by section 4-229 or 4-244 to carry the
12 permit, the person shall present the permit for inspection to any law
13 enforcement officer on request.

14 B. The permit of a person who is arrested or indicted for an
15 offense that would make the person unqualified under section 13-3101,
16 subsection A, paragraph 7 or this section shall be immediately suspended
17 and seized. The permit of a person who becomes unqualified on conviction
18 of that offense shall be revoked. The permit shall be restored on
19 presentation of documentation from the court if the permittee is found not
20 guilty or the charges are dismissed. The permit shall be restored on
21 presentation of documentation from the county attorney that the charges
22 against the permittee were dropped or dismissed.

23 C. A permittee who carries a concealed weapon, who is required by
24 section 4-229 or 4-244 to carry a permit and who fails to present the
25 permit for inspection on the request of a law enforcement officer commits
26 a violation of this subsection and is subject to a civil penalty of not
27 more than three hundred dollars. The department of public safety shall be
28 notified of all violations of this subsection and shall immediately
29 suspend the permit. A permittee shall not be convicted of a violation of
30 this subsection if the permittee produces to the court a legible permit
31 that is issued to the permittee and that was valid at the time the
32 permittee failed to present the permit for inspection.

33 D. A law enforcement officer shall not confiscate or forfeit a
34 weapon that is otherwise lawfully possessed by a permittee whose permit is
35 suspended pursuant to subsection C of this section, except that a law
36 enforcement officer may take temporary custody of a firearm during an
37 investigatory stop of the permittee.

38 E. The department of public safety shall issue a permit to an
39 applicant who meets all of the following conditions:

- 40 1. Is a resident of this state or a United States citizen.
41 2. Is twenty-one years of age or older or is at least nineteen
42 years of age and provides evidence of current military service or proof of
43 honorable discharge or general discharge under honorable conditions from
44 the United States armed forces, the United States armed forces reserve or
45 a state national guard.

1 3. Is not under indictment for and has not been convicted in any
2 jurisdiction of a felony unless that conviction has been expunged, set
3 aside or vacated or the applicant's rights have been restored and the
4 applicant is currently not a prohibited possessor under state or federal
5 law.

6 4. Does not suffer from mental illness and has not been adjudicated
7 mentally incompetent or committed to a mental institution.

8 5. Is not unlawfully present in the United States.

9 6. Has ever demonstrated competence with a firearm as prescribed by
10 subsection N of this section and provides adequate documentation that the
11 person has satisfactorily completed a training program or demonstrated
12 competence with a firearm in any state or political subdivision in the
13 United States. For the purposes of this paragraph, "adequate
14 documentation" means:

15 (a) A current or expired permit issued by the department of public
16 safety pursuant to this section.

17 (b) An original or copy of a certificate, card or document that
18 shows the applicant has ever completed any course or class prescribed by
19 subsection N of this section or an affidavit from the instructor, school,
20 club or organization that conducted or taught the course or class
21 attesting to the applicant's completion of the course or class.

22 (c) An original or a copy of a United States department of defense
23 form 214 (DD-214) indicating an honorable discharge or general discharge
24 under honorable conditions, a certificate of completion of basic training
25 or any other document demonstrating proof of the applicant's current or
26 former service in the United States armed forces as prescribed by
27 subsection N, paragraph 5 of this section.

28 (d) An original or a copy of a concealed weapon, firearm or handgun
29 permit or a license as prescribed by subsection N, paragraph 6 of this
30 section.

31 F. The application shall be completed on a form prescribed by the
32 department of public safety. The form shall not require the applicant to
33 disclose the type of firearm for which a permit is sought. The applicant
34 shall attest under penalty of perjury that all of the statements made by
35 the applicant are true, that the applicant has been furnished a copy of
36 this chapter and chapter 4 of this title and that the applicant is
37 knowledgeable about the provisions contained in those chapters. The
38 applicant shall submit the application to the department with any
39 documentation prescribed by subsection E of this section, two sets of
40 fingerprints and a reasonable fee determined by the director of the
41 department.

42 G. On receipt of a concealed weapon permit application, the
43 department of public safety shall conduct a check of the applicant's
44 criminal history record pursuant to section 41-1750. The department of
45 public safety may exchange fingerprint card information with the federal
46 bureau of investigation for federal criminal history record checks.

1 H. The department of public safety shall complete all of the
2 required qualification checks within sixty days after receipt of the
3 application and shall issue a permit within fifteen working days after
4 completing the qualification checks if the applicant meets all of the
5 conditions specified in subsection E of this section. If a permit is
6 denied, the department of public safety shall notify the applicant in
7 writing within fifteen working days after the completion of all of the
8 required qualification checks and shall state the reasons why the
9 application was denied. On receipt of the notification of the denial, the
10 applicant has twenty days to submit any additional documentation to the
11 department. On receipt of the additional documentation, the department
12 shall reconsider its decision and inform the applicant within twenty days
13 of the result of the reconsideration. If denied, the applicant shall be
14 informed that the applicant may request a hearing pursuant to title 41,
15 chapter 6, article 10. For the purposes of this subsection, "receipt of
16 the application" means the first day that the department has physical
17 control of the application and that is presumed to be on the date of
18 delivery as evidenced by proof of delivery by the United States postal
19 service or a written receipt, which shall be provided by the department on
20 request of the applicant.

21 I. On issuance, a permit is valid for five years, except a permit
22 that is held by a member of the United States armed forces, including a
23 member of the Arizona national guard or a member of the reserves of any
24 military establishment of the United States, who is on federal active duty
25 and who is deployed overseas shall be extended until ninety days after the
26 end of the member's overseas deployment.

27 J. The department of public safety shall maintain a computerized
28 permit record system that is accessible to criminal justice agencies for
29 the purpose of confirming the permit status of any person who is contacted
30 by a law enforcement officer and who claims to hold a valid permit issued
31 by this state. This information and any other records that are maintained
32 regarding applicants, permit holders or instructors shall not be available
33 to any other person or entity except on an order from a state or federal
34 court. A criminal justice agency shall not use the computerized permit
35 record system to conduct inquiries on whether a person is a concealed
36 weapons permit holder unless the criminal justice agency has reasonable
37 suspicion to believe the person is carrying a concealed weapon and the
38 person is subject to a lawful criminal investigation, arrest, detention or
39 an investigatory stop.

40 K. A permit issued pursuant to this section is renewable every five
41 years. Before a permit may be renewed, a criminal history records check
42 shall be conducted pursuant to section 41-1750 within sixty days after
43 receipt of the application for renewal. For the purposes of permit
44 renewal, the permit holder is not required to submit additional
45 fingerprints.

1 L. Applications for renewal shall be accompanied by a fee
2 determined by the director of the department of public safety.

3 M. The department of public safety shall suspend or revoke a permit
4 issued under this section if the permit holder becomes ineligible pursuant
5 to subsection E of this section. The department of public safety shall
6 notify the permit holder in writing within fifteen working days after the
7 revocation or suspension and shall state the reasons for the revocation or
8 suspension.

9 N. An applicant shall demonstrate competence with a firearm through
10 any of the following:

11 1. Completion of any firearms safety or training course or class
12 that is available to the general public, that is offered by a law
13 enforcement agency, a junior college, a college or a private or public
14 institution, academy, organization or firearms training school and that is
15 approved by the department of public safety or that uses instructors who
16 are certified by the national rifle association.

17 2. Completion of any hunter education or hunter safety course
18 approved by the Arizona game and fish department or a similar agency of
19 another state.

20 3. Completion of any national rifle association firearms safety or
21 training course.

22 4. Completion of any law enforcement firearms safety or training
23 course or class that is offered for security guards, investigators,
24 special deputies or other divisions or subdivisions of law enforcement or
25 security enforcement and that is approved by the department of public
26 safety.

27 5. Evidence of current military service or proof of honorable
28 discharge or general discharge under honorable conditions from the United
29 States armed forces.

30 6. A valid current or expired concealed weapon, firearm or handgun
31 permit or license that is issued by another state or a political
32 subdivision of another state and that has a training or testing
33 requirement for initial issuance.

34 7. Completion of any governmental police agency firearms training
35 course and qualification to carry a firearm in the course of normal police
36 duties.

37 8. Completion of any other firearms safety or training course or
38 class that is conducted by a department of public safety approved or
39 national rifle association certified firearms instructor.

40 0. The department of public safety shall maintain information
41 comparing the number of permits requested, the number of permits issued
42 and the number of permits denied. The department shall annually
43 ELECTRONICALLY report this information to the governor and the
44 legislature.

45 P. The director of the department of public safety shall adopt
46 rules for the purpose of implementing and administering this section

1 including fees relating to permits that are issued pursuant to this
2 section.

3 Q. This state and any political subdivision of this state shall
4 recognize a concealed weapon, firearm or handgun permit or license that is
5 issued by another state or a political subdivision of another state if
6 both:

7 1. The permit or license is recognized as valid in the issuing
8 state.

9 2. The permit or license holder is all of the following:

10 (a) Legally present in this state.

11 (b) Not legally prohibited from possessing a firearm in this state.

12 R. For the purpose of establishing mutual permit or license
13 recognition with other states, the department of public safety shall enter
14 into a written agreement if another state requires a written agreement.
15 THE DEPARTMENT OF PUBLIC SAFETY SHALL SUBMIT AN ELECTRONIC REPORT TO THE
16 GOVERNOR AND THE LEGISLATURE EACH YEAR THAT INCLUDES ANY CHANGES THAT WERE
17 MADE IN THE PREVIOUS YEAR TO A WRITTEN AGREEMENT WITH ANOTHER STATE.

18 S. Notwithstanding the provisions of this section, a person with a
19 concealed weapons permit from another state may not carry a concealed
20 weapon in this state if the person is under twenty-one years of age or is
21 under indictment for, or has been convicted of, a felony offense in any
22 jurisdiction, unless that conviction is expunged, set aside or vacated or
23 the person's rights have been restored and the person is currently not a
24 prohibited possessor under state or federal law.

25 T. The department of public safety may issue certificates of
26 firearms proficiency according to the Arizona peace officer standards and
27 training board firearms qualification for the purposes of implementing the
28 law enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865;
29 18 United States Code sections 926B and 926C). A law enforcement or
30 prosecutorial agency shall issue to a qualified retired law enforcement
31 officer who has honorably retired a photographic identification that
32 states that the officer has honorably retired from the agency. A person
33 who was a municipal, county or state prosecutor is deemed to meet the
34 qualifications of 18 United States Code section 926C(c)(2). The chief law
35 enforcement officer shall determine whether an officer has honorably
36 retired and the determination is not subject to review. A law enforcement
37 or prosecutorial agency has no obligation to revoke, alter or modify the
38 honorable discharge photographic identification based on conduct that the
39 agency becomes aware of or that occurs after the officer has separated
40 from the agency. For the purposes of this subsection, "qualified retired
41 law enforcement officer" has the same meaning prescribed in 18 United
42 States Code section 926C.

43 U. The initial and renewal application fees collected pursuant to
44 this section shall be deposited, pursuant to sections 35-146 and 35-147,
45 in the concealed weapons permit fund established by section 41-1722.

APPROVED BY THE GOVERNOR APRIL 12, 2018

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2018

Passed the House February 21, 20 18

Passed the Senate April 5, 20 18

by the following vote: 60 Ayes,

by the following vote: 28 Ayes,

0 Nays, 0 Not Voting

0 Nays, 2 Not Voting

[Signature]
Speaker of the House
 Pro Tempore

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this
9th day of April, 20 18

at 2:29 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 12th day of

April 2018

at 5:37 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State
this 13 day of April, 20 18

at 4:50 o'clock P. M.

[Signature]
Secretary of State

H.B. 2328